



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

MAILED: FEB 8 1999

PAPER NO.: 9

In re Application of	:	
Stephen B. Hoy	:	
Serial No.: 08/817,278	:	DECISION ON PETITION
Filed: April 10, 1997	:	TO MAKE SPECIAL UNDER
For: EDIBLE ANIMAL GREETING	:	37 C.F.R. 1.102 -
CARDS	:	II. INFRINGEMENT

This is a decision on the PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (37 C.F.R. 1.102 AND M.P.E.P. 708.02) filed November 12, 1998, along with the requisite fee, in the above-noted application. The petition, with accompanying affidavit of Mr. Stephen B. Hoy, meets all the requirements of section 708.02-II of the Manual of Patent Examining Procedure (MPEP).

If the examiner can make this case special without prejudice to any possible interfering applications, and the examiner should make a rigid search for such, the examiner is authorized to do so for the next action. Should the application be rejected, the case will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the case in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, the examiner should consider such application simultaneously with this case and should state in the official letter of such application that the examiner is taking it out of its turn because of a possible interference.

Should an appeal be taken in this case or should this case become involved in an interference, consideration of the appeal and the interference will be expedited by Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this case will be given priority for printing. See MPEP 1309.

The petition is **GRANTED**.

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